

ADVISORY OPINION 2004-001

Any advisory opinion rendered by the registry under subsection (1) or (2) of this section may be relied upon only by the person or committee involved in the specific transaction or activity with respect to which the advisory opinion is rendered. KRS 121.135(4).

March 12, 2004

Mr. William J. Dechman
P.O. Box 22435
Owensboro, KY 42304-2435

Dear Mr. Dechman:

This is in response to your February 9, 2004 request for an advisory opinion regarding the volunteer services of paid employees to your campaign who wish to assist with the development and maintenance of a web site for your campaign. The employees work for a company that is incorporated. Specifically, you ask the Registry to render an opinion on your proposed handling of this matter.

KRS 121.150(22) prohibits a candidate from accepting a contribution from a corporation, either directly or indirectly. This prohibition includes an in-kind contribution in the form of goods, advertising or services furnished to the candidate at a rate which is less than the rate normally charged. See KRS 121.015 (defining "contribution"). However, specifically excluded from the definition of contribution are "[s]ervices provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate." KRS 121.015(7)(a). The Registry's regulation 32 KAR 2:170 §1(5) (enclosed for your reference) addresses under what circumstances a corporate employee's time may be considered uncompensated and, therefore, volunteered to the campaign.

Mr. William J. Dechman
Advisory Opinion 2004-001
March 12, 2004
Page -2-

Therefore, the corporate “discount” you propose would not be permitted under KRS 121.150(22). However, the employees who wish to donate their services to your campaign may do so using the personal computer equipment that you reference during their personal and/or vacation time, as provided under 32 KAR 2:170 §1(5), and no contribution will result from the donation of their services. The fair market value of the use of the individual’s personal computer may be reported as an in-kind donation to your campaign.

This opinion reflects the Registry’s consideration of the specific transactions posed by your letter. If you require any additional information, please do not hesitate to contact the Registry staff.

Sincerely,

Rosemary F. Center
General Counsel

Enclosure

RFC/jh

Cc: Registry Members

Sarah M. Jackson
Executive Director